

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
)
RAYMOND D. MORRIS, IV (04),)
)
 Defendant.)

Cause No. 2:13-cr-00028-JMS-CMM

REPORT AND RECOMMENDATION

On November 7, 2018, the Court held an initial hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on April 24, 2018. Defendant Raymond D. Morris, IV (“Defendant”) appeared in person with FCD counsel, Gwendolyn Beitz. The government appeared by Barry Glickman, Assistant United States Attorney, via telephone. U. S. Parole and Probation appeared by Officer Jennifer Considine.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. §3583:

1. The Court advised Defendant of his rights and provided him with a copy of the petition. Violation No. 1 was orally dismissed by the Government.

2. After being placed under oath, Defendant admitted Violation No. 2.
[Docket No. 194.]

3. The allegation to which Defendant admitted, as fully set forth in the petition, is:

**Violation
Number**

Nature of Noncompliance

2 " You shall not possess or use alcohol."

According to a Brazil, Indiana, Police Department report, On April 22, 2018, Mr. Morris admitted drinking 8 alcoholic beverages prior to committing the above referenced offenses.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade **C** violation.
- (b) Defendant's criminal history category is **II**.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is **4 to 10** months imprisonment.

5. Parties jointly recommended that defendant be incarcerated for ten (10) months with no supervised release to follow.

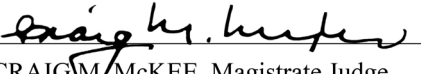
6. The Magistrate Judge, having considered the factors in 18 U.S.C. §3553(a), and as more fully set forth on the record, finds that:

- (a) The Defendant violated the condition in the petition;
- (b) That the agreement of the parties is an appropriate resolution of this matter and the agreement is commended to the favorable consideration of the District Judge;
- (c) That, consistent with the agreement, the Magistrate Judge recommends that the defendant's supervised release be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of ten (10) months with no supervised release to follow. Defendant is remanded to the custody of the US Marshal Service. The Court will make a recommendation of placement at a facility close to Terre Haute, Indiana.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge.

The parties have waived the 14- day period to file written objections with the District Judge to this Report and Recommendation.

Dated: November 7, 2018


CRAIG M. McKEE, Magistrate Judge
United States District Court
Southern District of Indiana

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United States Probation Office, United States Marshal